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Richard L. Schwartz

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BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

BASOM, BLAINE T

ART UNIT

PAPER NUMBER

2173

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/829,784

Applicant(s)

SCHWARTZ ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82, 86-99 and 102-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/8/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82, 86-99 and 102-104.

DETAILED ACTION

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on February 20, 2007. The Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Response to Arguments

The Examiner acknowledges the Applicants' amendments to claims 1, 44, and 87, and the Applicants' addition of new claims 102-104. Regarding the pending claims, the Applicants argue that the art of record fails to teach "displaying, at the mobile mediation subscriber communication device, the contextual communication summary and the plurality of possible follow-through actions, the possible follow-through actions including an option to answer the incoming call using the mobile mediation subscriber communication device," as is recited in independent claim 1 and similarly expressed by independent claims 44 and 87. In response, the Examiner presents the U.S. Patent of Pepper (U.S. Patent No. 5,930,700 to Pepper et al.), which as shown below, teaches such a feature. The Applicants' arguments have thus been considered, but are moot in view of the following new grounds of rejection.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on March 8, 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

Claims 12-14, 25, 37, 45, 55-57, 68, 80, 93, and 97 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 12-14, 37, 55-57, 80, and 93, there is no antecedent basis for “the mediation subscriber” recited in each of these claims. The claims (e.g. claim 1) upon which they depend recite a “mediation subscriber communication device,” but this is distinct from a “mediation subscriber.”

As per claims 25, 68, and 97, there is no antecedent basis for “the options menu selection” occurring in each of these claims.

As per claim 45, there is no antecedent basis for “The computer system of claim 44,” as is recited in claim 45.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 15, 18-26, 28-29, 32-33, 37, 39, 43-44, 54, 58, 61-69, 71, 72, 75-76, 80, 82, 86, and 102-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,930,700 to Pepper et al. (hereafter "Pepper"), and also over U.S. Patent No. 5,434,908, which is attributed to Klein. In general, Pepper describes a service for screening and directing incoming calls to a subscriber, including calls to a mobile mediation subscriber communication device (i.e. a PDA) of the subscriber (see e.g. column 1, lines 29-49; and column 2, line 62 – column 3, line 10).

Specifically regarding claim 1, Pepper teaches: receiving, via a user interface of a mobile mediation subscriber communication device (i.e. a PDA) associated with a first party, a designation of an availability status (i.e. a schedule) of the first party, the designated availability status indicating an availability of the first party for facilitating communication at various locations, including at the mobile mediation subscriber communication device (see e.g. column 6, lines 30-46; column 9, lines 20-30; FIG. 9); transmitting the designated availability status from the mediation subscriber communication device for reception by a mediation system (see e.g. FIG. 3; column 5, lines 27-42; column 5, line 66 – column 6, line 11: the user's schedule entered into the PDA is synchronized with a database of an external system); facilitating display, on a visual display portion of the mobile mediation subscriber communication device, of

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mediation information regarding an incoming call from a second party (see e.g. FIG. 10), the facilitating display of mediation information including: receiving, at the mobile mediation subscriber communication device from the mediation system, data including a contextual communication summary and a plurality of possible follow-through actions regarding the incoming call (see e.g. column 3, lines 48-64; column 5, lines 36-42; and column 10, line 60 – column 11, line 17); and displaying, at the mobile mediation subscriber communication device, the contextual communication summary and the plurality of possible follow-through actions, the possible follow-through actions including an option to answer the incoming call using the mobile mediation subscriber communication device (see e.g. FIG. 10; column 6, lines 30-46; and column 12, lines 34-41); facilitating selection, via a data interface portion of the mobile mediation subscriber communication device, of one of the follow-through actions (see e.g. FIG. 10; column 11, lines 8-17; and column 12, lines 34-67); and transmitting, from the mobile mediation subscriber communication device for reception by the mediation system, the selected follow-through action such that the mediation system communicates the selected follow-through action to the second party (see e.g. FIG. 10; column 11, lines 8-17; and column 12, lines 34-67: the user can, for instance, select an option to send the called party to voice mail, and wherein response, the called party would be notified of this selection). Pepper thus teaches a method like that of claim 1, which is for facilitating mediation virtual communication. However, Pepper doesn't explicitly disclose that the mediation system communicates the designated availability status of the first party to the second party, whereby as is expressed in claim 1, the designated availability status is operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication. Nevertheless,

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transmitting a called party's availability status (e.g. from the called party's schedule) to a calling party is well known in the art.

For example, like Pepper, Klein teaches maintaining a schedule designating the availability of the user, and transferring a call to voice mail (for example, see column 1, line 33 – column 2, line 3; and column 3, lines 39-58). Klein particularly discloses that the voice mail message sent to the calling party can notify the calling party of the user's schedule, in order to inform the calling party when the user is available for voice-based communication at his or her communication device (for example, see column 3, line 58 – column 4, line 37; and figure 5).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Pepper and Klein at the time the invention was made, to modify the method taught by Pepper such that a particular message that is sent to the calling party (i.e. sent in response to selecting a follow-through action to direct the call to voice mail, like taught by Pepper) notifies the calling party of the user's availability status (i.e. schedule) so as to inform the calling party when the user is available at the mediation subscriber communication device for voice-based communication, like taught by Klein. It would have been advantageous to one of ordinary skill to utilize this combination, because as taught by Klein, many people like to use such messages as a way to provide information about their whereabouts during the day (for example, see column 1, lines 10-30).

In reference to claim 44, it is noted that this claim recites a computer program product implementing features similar to those in claim 1. Pepper discloses that the above-described method, which entails the features of claim 1, may be implemented via a computer program and an apparatus (i.e. a PDA) from which the computer program is accessible by a data processor

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(for example, see column 5, lines 29-42). Consequently, such a computer program implementing the above-described method of Pepper and Klein is considered a “computer program product,” like that recited in claim 44.

Concerning claims 11, 15, 37, 54, 58, and 80, Pepper teaches displaying a follow-through action selection for indicating that a message will be taken (i.e. for directing the caller to voice mail) and a follow-through action for enabling an incoming caller to be transferred (i.e. forwarded) (see e.g. FIG. 10; column 6, lines 30-46; and column 12, lines 34-41). Accordingly, the above-described combination of Pepper and Klein is further considered to teach a method like that of claims 11, 15, 37, 54, 58, and 80.

As per claims 18-25, 39, 61-68, and 82, Pepper further teaches receiving, at the mediation subscriber communication device from the mediation system, data including a plurality of options menu selections (e.g. the menu selections of FIG. 10), and displaying an options menu selection (e.g. any of the menu selections within FIGS. 7-11). Like expressed in claims 19, 39, 62, and 82, Pepper particularly teaches that such options menu selections include an options menu selection for enabling a call to be made (see e.g. FIG. 10, which includes an selectable option to accept a call, thus enabling the call to be made). Like expressed in claims 20, 39, 63, and 82, Pepper further teaches that such options menu selections include an options menu selection for enabling a service reservation to be made (see e.g. FIGS. 7 and 9, and column 9, lines 20-30: the interface of FIG. 7 has a “DateBook” selectable option that enables a service reservation to be made – it is selectable to provide the “DateBook” interface of FIG. 9, which enables creation of call forwarding service reservations according to the user’s schedule). Like expressed in claims 21, 39, 64, and 82, Pepper further teaches that such options menu selections

include an options menu selection for enabling an availability to be altered (see e.g. FIGS. 7 and 9, and column 9, lines 20-30: the interface of FIG. 7 has a “DateBook” selectable option that enables the user’s availability to be altered – it is selectable to provide the “DateBook” interface of FIG. 9, which enables altering of the user’s schedule and thus his or her availability). Like expressed in claims 22, 39, 65, and 82, Pepper teaches that such options menu selections include an options menu selection for enabling a policy to be altered (see e.g. FIGS. 7 and 8, column 9, lines 12-19, and column 10, line 60 – column 11, line 17: the interface of FIG. 7 has a “PhoneBook” selectable option that enables a policy to be altered – it is selectable to provide the “DateBook” interface of FIG. 9, which enables altering of the priority level for clients, and thus how calls from the clients are directed). Like expressed in claims 23, 39, 66, and 82, Pepper teaches that such options menu selections include an options menu selection for enabling a service preference to be altered (see e.g. FIGS. 7 and 9, and column 9, lines 20-30: the interface of FIG. 7 has a “DateBook” selectable option that enables a service preference to be altered – it is selectable to provide the “DateBook” interface of FIG. 9, which enables altering of threshold priorities for handling calls and thus how calls are directed to the user). Pepper suggests that the user manipulates a data interface portion of the mobile mediation subscriber communication device to select one of one of the options menu selections (e.g. a menu selection within the interface of FIG. 10), wherein response, data including the selected options menu selection is transmitted from the mediation subscriber communication device for reception by the mediation system, as is expressed in claims 24-25 and 67-68 (see e.g. FIG. 10; column 11, lines 8-17; and column 12, lines 34-67: the user can, for instance, select an option to send the called party to voice mail, and wherein response, the called party would be notified of this selection via the

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mediation system). Accordingly, the above-described combination of Pepper and Klein is further considered to teach a method like that of claims 18-25, 39, 61-68, and 82.

As per claims 26, 28, 29, 32-33, 43, 69, 71, 72, 75-76, and 86 Pepper teaches receiving, at the mediation subscriber communication device from the mediation system, data including a mediation information menu (e.g. the menu of FIG. 10), and displaying the mediation information menu (see e.g. column 11, lines 8-17; column 12, lines 34-41; and FIG. 10). Like expressed in claim 28, 43, 71, and 86, Pepper particularly demonstrates that such a mediation menu comprises a follow-through action menu (see e.g. FIG. 10). This menu (i.e. the menu of FIG. 10) is further considered an options menu, like that of claim 29, 43, 72, and 86, as it provides various user selectable options to the user. Moreover, Pepper suggests that the user manipulates a data interface portion of the mobile mediation subscriber communication device to designate a selected menu item from the mediation information menu (e.g. a menu selection within the interface of FIG. 10), wherein response, data including the selected menu item is transmitted from the mediation subscriber communication device for reception by the mediation system, as is expressed in claims 32-33 and 75-76 (see e.g. FIG. 10; column 11, lines 8-17; and column 12, lines 34-67: the user can, for instance, select an option to send the called party to voice mail, and wherein response, the called party would be notified of this selection via the mediation system). Accordingly, the above-described combination of Pepper and Klein is further considered to teach a method like that of claims 26, 28-29, 32-33, 43, 69, 71, 72, 75-76, and 86.

Concerning claims 102-103, Pepper discloses that the user enters his or her availability status (i.e. schedule) via the user interface of their mobile mediation subscriber communication

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device (i.e. PDA) (see e.g. column 9, lines 20-30). It is thus apparent that the user may update this availability status, as is known in the art. That is, Pepper is considered to teach receiving, via the data interface of the mobile mediation subscriber communication device, a designation of an updated availability status of the first party. Moreover, Klein teaches that such schedule information is received at the mediation system, whereby the mediation system updates an outgoing voice mail message with the updated availability status, the voice mail message being automatically communicated to a calling party (e.g. in response to a call from the calling party) (see e.g. column 4, line 50 – column 5, line 15). That is, Pepper and Klein are considered to teach automatically transmitting, from a mediation subscriber communication device for reception by the mediation system, the updated availability status such that the mediation system automatically communicates the updated availability status of the first party to the second party. The above-described combination of Pepper and Klein is thus further considered to teach a method like that of claims 102-103.

Claims 2-8, 27, 30-31, 36, 45-51, 70, 73-74, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pepper and Klein described above, and also over U.S. Patent No. 6,380,959 to Wang et al. (hereafter “Wang”).

Regarding claims 2-8, 36, 45-51, and 79, Pepper and Klein teach a method like that of claim 1 and a program product like that of claim 44, in which a user of a mobile mediation subscriber communication device (i.e. a PDA) inputs his or her availability status (i.e. schedule), whereby calls are screened and directed to the user according to this availability status, as is described above. Pepper particularly teaches receiving, at the mediation subscriber

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communication device, data including an availability selector, i.e. a calendar application, and displaying the availability selector on the visual display portion of the mediation subscriber communication device (see e.g. column 5, line 64 – column 6, line 11; column 9, lines 20-30; and FIG. 9). Furthermore, Pepper demonstrates that this availability selector includes: a selector for indicating presence associated with a meeting, as is recited in claims 4, 36, 47, and 79; a selector for indicating presence associated with a designated time of day, as is recited in claims 5, 36, 48, and 79; a selector for indicating presence associated with a day, as is recited in claims 6, 36, 49, and 79; and a selector for determining a priority of a communication request, as is recited in claims 7, 36, 50, and 79 (see e.g. FIG. 9; and column 9, lines 20-30). Pepper suggests that the user manipulates the data interface portion of the mediation subscriber communication device to select this availability selector and designate his or her availability status, as is expressed in claims 8 and 51 (see e.g. column 5, line 64 – column 6, line 11; column 9, lines 20-30; and FIG. 9). Accordingly, the above-described combination of Pepper and Klein teaches a method similar to that recited in claims 2-8, 36, 45-51, and 79. Pepper and Klein, however, do not disclose or suggest that this availability selector (i.e. calendar application) is received at the mediation subscriber communication device *from the mediation system*, as is recited in claims 2 and 45, upon which claims 3-8, 36, 46-51, and 79 depend. Nevertheless, providing calendar applications via an external system over a network is well known in the art.

For example, Wang teaches maintaining an external calendar application at a mediation system (e.g. a server), and receiving and displaying the calendar application at a subscriber communication device over a network (see e.g. column 1, lines 26-39; and column 7, lines 11-24).

It would have been obvious to one of ordinary skill in the art, having the teachings of Pepper, Klein, and Wang before at the time the invention was made, to modify the calendar application (i.e. availability selector) taught by Pepper and Klein such that it is provided by the mediation system, like taught by Wang. It would have been advantageous to one of ordinary skill to utilize this combination, because as suggested by Wang, such an externally maintained calendar application facilitates access of the user's data remotely from any of multiple types of devices, and facilitates sharing of the user's calendar data (see e.g. column 1, lines 26-39).

Concerning claims 27, 30-31, 70, and 73-74, Pepper teaches receiving, at the mediation subscriber communication device from the mediation system, data including a mediation information menu (e.g. the menu of FIG. 10), and displaying the mediation information menu, as is described above (i.e. in the rejection for claim 26). Wang further teaches that such menu information received from the mediation system can include an availability status menu (i.e. the calendar application of FIG. 9 of Pepper), as described above. This availability status menu of Pepper is considered a services menu and an arrangement options menu like that of claims 30-31 and 73-74, respectively, because it enables a service reservation to be made (see e.g. FIGS. 7 and 9, and column 9, lines 20-30 of Pepper: the interface of FIG. 9 enables creation of call forwarding service reservations according to the user's schedule).

Claims 12-14 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pepper and Klein described above, and also over U.S. Patent No. 5,758,280 to Kimura. As described above, Pepper and Klein teach a method like that of claim 1 and a program product like that of claim 44, in which a plurality of follow-through actions are

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displayed on a mobile mediation subscriber communication device in response to an incoming call to the subscriber. Neither Pepper nor Klein, however, explicitly teaches that such follow-through actions include an action for indicating that the subscriber will initiate a return call in a designated number of minutes, a follow-through action for indicating that the mediation subscriber will initiate a return when the subscriber is next available, or a follow-through action for indicating that the mediation subscriber would like to schedule a return call, as is expressed in claims 12-14 and 55-57.

Like the above-described combination of Pepper and Klein, Kimura presents a system whereby a called party is provided with information, displayed on a network computer, which identifies the calling party (see column 1, lines 50-67 of Kimura). The called party is then provided with a plurality of options, each selectable to perform a function in response to the call (see column 1, line 50-67). Such options are each selectable to send a predefined message to the calling party, the predefined message being arbitrarily defined and selected by the user (see e.g. column 1, line 50-67; and column 3, lines 10-41). In particular, Kimura demonstrates that such messages can indicate that the user would like to schedule a return call, and specifically, that the user will call the calling party back in a designated number of minutes (see figure 3 and its associated description in column 3, lines 10-26). Kimura further demonstrates that another selectable message can indicate that the user will call the calling party back, or in other words, initiate a return call when he or she is next available (see figure 3 and its associated description in column 3, lines 10-26).

Consequently, it would have been obvious to one of ordinary skill in the art, having the teachings of Pepper, Klein, and Kimura at the time the invention was made, to modify the

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plurality of follow-through actions taught by Pepper and Klein to include follow-through actions for sending a predefined text message to the calling party, as taught by Kimura, e.g. a message indicating that the subscriber will initiate a return call in a designated number of minutes, a message indicating that the mediation subscriber will initiate a return when the subscriber is next available, or message indicating that the mediation subscriber would like to schedule a return call. It would have been advantageous to one of ordinary skill to utilize this combination, because such text messages provide useful information to the calling party about the status of the called party, as is disclosed by Kimura (see e.g. column 1, lines 11-54).

Claims 87-90, 93-99, and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pepper and Klein described above, and also over U.S. Patent No. 6,532,227 to Leppisaari et al. (hereafter "Leppisaari").

Regarding claim 87, as described above (e.g. in the rejection for claim 1), Pepper and Klein teach: receiving, via a user interface of a mobile mediation subscriber communication device (i.e. a PDA) associated with a first party, a designation of an availability status (i.e. a schedule) of the first party, the designated availability status indicating an availability of the first party for facilitating communication at various locations, including at the mobile mediation subscriber communication device; transmitting the designated availability status from the mediation subscriber communication device for reception by a mediation system; facilitating display, on a visual display portion of the mobile mediation subscriber communication device, of mediation information regarding an incoming call from a second party, the facilitating display of mediation information including: receiving, at the mobile mediation subscriber communication

device from the mediation system, data including a contextual communication summary and a plurality of possible follow-through actions regarding the incoming call; and displaying, at the mobile mediation subscriber communication device, the contextual communication summary and the plurality of possible follow-through actions, the possible follow-through actions including an option to answer the incoming call using the mobile mediation subscriber communication device; facilitating selection, via a data interface portion of the mobile mediation subscriber communication device, of one of the follow-through actions; and transmitting, from the mobile mediation subscriber communication device for reception by the mediation system, the selected follow-through action such that the mediation system communicates the selected follow-through action and the designated availability status of the first party to the second party, the designated availability status operable to notify the second party when the first party is available at the mobile mediation subscriber communication device for voice-based communication. Pepper and Klein thus teach a system similar to that of claims 87-90. However, Pepper and Klein do not explicitly teach or suggest that the mobile mediation subscriber communication device is connected to the mediation system via a data packet network, i.e. a general packet radio service, like recited in claims 87 and 89. Pepper nevertheless teaches that many network architectures can implement the above-described functionality (see e.g. column 5, lines 43-45). Moreover, general packet radio service is well known in the art.

For example, Leppisaari describes the General Packet Radio Service (GPRS), which is used to efficiently transmit data to wireless devices, such as PDAs (see e.g. column 1, lines 10-36).

Consequently, it would have been obvious to one of ordinary skill in the art, having the teachings of Pepper, Klein, and Leppisaari before at the time the invention was made, to modify the system taught by Pepper and Klein to include the general packet radio service described by Leppisaari to connect the PDA with the mediation system. It would have been advantageous to one of ordinary skill to utilize this combination, because the general packet radio service provides more economical means to transmit data to the wireless device, as is disclosed by Leppisaari (see e.g. column 1, lines 10-36). Accordingly, Pepper, Klein, and Leppisaari are considered to teach a system like that of claim 87.

As per claim 88, Pepper discloses that the mediation subscriber communication device (i.e. PDA) serves as a wireless telephone (see e.g. column 1, lines 36-49; and column 11, lines 44-50). Accordingly, the above-described combination of Pepper, Klein, and Leppisaari is further considered to teach a system like that of claim 88.

As per claim 89, Pepper, Klein, and Leppisaari teach that the data packet network includes a general packet radio service, whereby the PDA – which serves as a wireless telephone – communicates via a general packet radio system, as is described above. Accordingly, the above-described combination of Pepper, Klein, and Leppisaari is further considered to teach a system like that of claim 89.

As per claim 90, Pepper, Klein, and Leppisaari suggest that the mediation system includes a data packet client and that the data packet network includes a data packet server (see e.g. column 10, lines 1-14 of Pepper; and Figure 1 of Leppisaari). Accordingly, the above-described combination of Pepper, Klein, and Leppisaari is further considered to teach a system like that of claim 90.

Concerning claim 93, Pepper teaches displaying a follow-through action selection for indicating that a message will be taken (i.e. for directing the caller to voice mail) and a follow-through action for enabling an incoming caller to be transferred (i.e. forwarded) (see e.g. FIG. 10; column 6, lines 30-46; and column 12, lines 34-41). Accordingly, the above-described combination of Pepper, Klein, and Leppisaari is further considered to teach a system like that of claim 93.

As per claims 94-97, Pepper further teaches receiving, at the mediation subscriber communication device from the mediation system, data including a plurality of options menu selections (e.g. the menu selections of FIG. 10), and displaying an options menu selection (e.g. any of the menu selections within FIGS. 7-11). Like expressed in claim 95, Pepper particularly teaches that such options menu selections include: an options menu selection for enabling a call to be made (see e.g. FIG. 10, which includes an selectable option to accept a call, thus enabling the call to be made); an options menu selection for enabling a service reservation to be made (see e.g. FIGS. 7 and 9, and column 9, lines 20-30: the interface of FIG. 7 has a “DateBook” selectable option that enables a service reservation to be made – it is selectable to provide the “DateBook” interface of FIG. 9, which enables creation of call forwarding service reservations according to the user’s schedule); an options menu selection for enabling an availability to be altered (see e.g. FIGS. 7 and 9, and column 9, lines 20-30: the interface of FIG. 7 has a “DateBook” selectable option that enables the user’s availability to be altered – it is selectable to provide the “DateBook” interface of FIG. 9, which enables altering of the user’s schedule and thus his or her availability); an options menu selection for enabling a policy to be altered (see e.g. FIGS. 7 and 8, column 9, lines 12-19, and column 10, line 60 – column 11, line 17: the

interface of FIG. 7 has a “PhoneBook” selectable option that enables a policy to be altered – it is selectable to provide the “DateBook” interface of FIG. 9, which enables altering of the priority level for clients, and thus how calls from the clients are directed); and an options menu selection for enabling a service preference to be altered (see e.g. FIGS. 7 and 9, and column 9, lines 20-30: the interface of FIG. 7 has a “DateBook” selectable option that enables a service preference to be altered – it is selectable to provide the “DateBook” interface of FIG. 9, which enables altering of threshold priorities for handling calls and thus how calls are directed to the user). Pepper suggests that the user manipulates a data interface portion of the mobile mediation subscriber communication device to select one of one of the options menu selections (e.g. a menu selection within the interface of FIG. 10), wherein response, data including the selected options menu selection is transmitted from the mediation subscriber communication device for reception by the mediation system, as is expressed in claims 96-97 (see e.g. FIG. 10; column 11, lines 8-17; and column 12, lines 34-67: the user can, for instance, select an option to send the called party to voice mail, and wherein response, the called party would be notified of this selection via the mediation system). Accordingly, the above-described combination of Pepper, Klein, and Leppisaari is further considered to teach a system like that of claims 94-97.

As per claims 98-99, Pepper teaches receiving, at the mediation subscriber communication device from the mediation system, data including a mediation information menu (e.g. the menu of FIG. 10), and displaying the mediation information menu (see e.g. column 11, lines 8-17; column 12, lines 34-41; and FIG. 10). Like expressed in claim 99, Pepper particularly demonstrates that such a mediation menu comprises a follow-through action menu (see e.g. FIG. 10). This menu (i.e. the menu of FIG. 10) is further considered an options menu,

like that of claim 99, as it provides various user selectable options to the user. Accordingly, the above-described combination of Pepper, Klein, and Leppisaari is further considered to teach a system like that of claims 98 and 99.

Concerning claim 104, Pepper discloses that the user enters his or her availability status (i.e. schedule) via the user interface of their mobile mediation subscriber communication device (i.e. PDA) (see e.g. column 9, lines 20-30). It is thus apparent that the user may update this availability status, as is known in the art. That is, Pepper is considered to teach receiving, via the data interface of the mobile mediation subscriber communication device, a designation of an updated availability status of the first party. Moreover, Klein teaches that such schedule information is received at the mediation system, whereby the mediation system updates an outgoing voice mail message with the updated availability status, the voice mail message being automatically communicated to a calling party (e.g. in response to a call from the calling party) (see e.g. column 4, line 50 – column 5, line 15). That is, Pepper and Klein are considered to teach automatically transmitting, from a mediation subscriber communication device for reception by the mediation system, the updated availability status such that the mediation system automatically communicates the updated availability status of the first party to the second party. The above-described combination of Pepper, Klein, and Leppisaari is thus further considered to teach a system like that of claim 104.

Claims 91-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pepper, Klein, and Leppisaari described above, and also over U.S. Patent No. 6,380,959 to Wang et al. (hereafter “Wang”). As described above, Pepper, Klein, and Leppisaari

teach a system like that of claim 87, in which a user of a mobile mediation subscriber communication device (i.e. a PDA) inputs his or her availability status (i.e. schedule), whereby calls are screened and directed to the user according to this availability status, as is described above. Pepper particularly teaches receiving, at the mediation subscriber communication device, data including an availability selector, i.e. a calendar application, and displaying the availability selector on the visual display portion of the mediation subscriber communication device (see e.g. column 5, line 64 – column 6, line 11; column 9, lines 20-30; and FIG. 9). Furthermore, Pepper demonstrates that this availability selector includes: a selector for indicating presence associated with a meeting; a selector for indicating presence associated with a designated time of day; a selector for indicating presence associated with a day; and a selector for determining a priority of a communication request, as is recited in claim 92 (see e.g. FIG. 9; and column 9, lines 20-30). Accordingly, the above-described combination of Pepper, Klein, and Leppisaari teaches a method similar to that recited in claim 91-92. Pepper and Klein, however, do not disclose or suggest that this availability selector (i.e. calendar application) is received at the mediation subscriber communication device *from the mediation system*, as is recited in claim 91, upon which claim 92 depends. Nevertheless, providing calendar applications via an external system over a network is well known in the art.

For example, Wang teaches maintaining an external calendar application at a mediation system (e.g. a server), and receiving and displaying the calendar application at a subscriber communication device over a network (see e.g. column 1, lines 26-39; and column 7, lines 11-24).

It would have been obvious to one of ordinary skill in the art, having the teachings of Pepper, Klein, and Wang before at the time the invention was made, to modify the calendar application (i.e. availability selector) taught by Pepper and Klein such that it is provided by the mediation system, like taught by Wang. It would have been advantageous to one of ordinary skill to utilize this combination, because as suggested by Wang, such an externally maintained calendar application facilitates access of the user's data remotely from any of multiple types of devices, and facilitates sharing of the user's calendar data (see e.g. column 1, lines 26-39).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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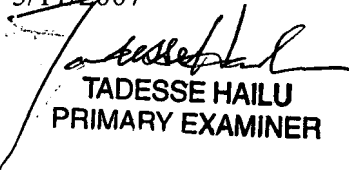
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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

btb

5/11/2007



TADESSE HAILU
PRIMARY EXAMINER